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13 Attorneys for Defendant

14 BROCADE COMMUNICATIONS SYSTEMS, INC.

15  
16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION

19 A10 NETWORKS, INC., a California  
20 corporation,

21 Plaintiff,

22 v.

23 BROCADE COMMUNICATIONS  
SYSTEMS, INC., a Delaware corporation,

24 Defendant.

Case No.: 11-cv-05493 LHK

**STIPULATION RE DEFENDANT  
BROCADE COMMUNICATIONS  
SYSTEMS, INC.'S SUPPLEMENTAL  
INVALIDITY CONTENTIONS  
PURSUANT TO PATENT LOCAL  
RULE 3-3**

1 Plaintiff A10 Networks, Inc. (A10) and Defendant Brocade Communications  
2 Systems, Inc. (Brocade) submit this Stipulation regarding the amendment of Brocade's  
3 Preliminary Invalidity Contentions under Patent L. R. 3-6. The Parties ask the Court to approve  
4 the Stipulation.

5 1. Brocade served its Preliminary Invalidity Contentions pursuant to Patent  
6 Local Rule 3-3 on April 2, 2012.

7 2. Brocade has prepared Supplemental Preliminary Invalidity Contentions  
8 which include references to newly discovered patents and publications that Brocade contends is  
9 prior art. Brocade represents that this alleged prior art was discovered and analyzed by Brocade  
10 in the course of a diligent prior art search after April 2.

11 3. On identifying this alleged prior art, Brocade prepared Supplemental  
12 Invalidity Contentions and accompanying claim charts for the prior art. Brocade produced copies  
13 of all the newly discovered prior art to A10 on April 10, 2012.

14 4. Brocade presented the Supplemental Invalidity Contentions to A10's  
15 counsel on April 10, 2012 seeking a stipulation. Brocade and A10 have met and conferred  
16 regarding Brocade's request to supplement its Preliminary Invalidity Contentions.

17 5. A10 has agreed to stipulate to grant Brocade's leave to serve its  
18 Supplemental Preliminary Invalidity Contentions as provided to A10 on April 10, 2012.

19 6. A10's agreement to stipulate to such amendment shall not be construed as  
20 an admission that A10 agrees with any of Brocade's contentions, or that A10 agrees that Brocade  
21 may further supplement its contentions in any manner.

22 NOW, THEREFORE, the Parties hereby AGREE AND STIPULATE and request  
23 that the Court order that Brocade's request for leave to serve its Supplemental Preliminary  
24 Invalidity Contentions Pursuant to Patent Local Rule 3-3 is GRANTED.

1 Dated: April 17, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

2  
3 By /s/ Siddhartha M. Venkatesan  
Siddhartha Venkatesan  
4 Attorneys for Defendant  
5 Brocade Communications Systems, Inc.

6 *Pursuant to General Order No. 45, § X(B), I attest*  
7 *under penalty of perjury that concurrence in the*  
8 *filing of the document has been obtained from each*  
9 *of its signatories.*

10 Dated: April 17, 2012

LATHAM & WATKINS LLP

11 By /s/ Ryan Hatch  
12 Ryan Hatch  
13 Attorneys for Plaintiff  
14 A10 Networks, Inc.

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16  
17 Dated: April 23, 2012

18   
The Honorable Lucy H. Koh  
United States District Judge